


01-2408

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	Linda M. Pacioretty et al.	<b>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8</b>  CERTIFICATE OF MAILING BY "EXPRESS MAIL" "EXPRESS MAIL" MAILING LABEL NUMBER: EO 943 482 790 US DATE OF DEPOSIT: January 22, 2008 I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL" ON THE DATE INDICATED ABOVE, AND IS ADDRESSED TO: MAIL STOP INTERVIEW SUMMARY, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.   Name: John G. Babish  Date of Deposit: <u>1/22/08</u>
APPLICATION NO.:	10/699,195	
FILING DATE:	10/31/2003	
<b>FOR: COMPOSITIONS AND METHODS FOR THE TREATMENT OF HIV-ASSOCIATED FAT MALDISTRIBUTION AND HYPERLIPIDEMIA</b>		
ART UNIT:	1617	
EXAMINER:	Chong, Young Soo	
DOCKET NO.:	CLANACCR_001NP	

JOHN G. BABISH, PH.D.  
BIONEXUS LIMITED  
CORNELL TECHNOLOGY PARK  
30 BROWN ROAD  
ITHACA, NY 14850

**SUMMARY OF INTERVIEW UNDER 37 C.F.R. § 1.133(b)**

MAIL STOP INTERVIEW SUMMARY  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

Sir:

Please find below the Applicant's summary of the telephonic interview between Examiner Yong S. Chong and Applicant John G. Babish that took place on 20 December 2007.

**PARTICIPANTS:**

(1) Applicant John G. Babish

(2) Examiner Yong S. Chong

**DATE OF INTERVIEW:** 20 December 2007

**EXHIBITS SHOWN:** None

**CLAIM(S) DISCUSSED:** Pending Claim(s) 21 (in part), 22-24, 28-29, 32 (in part), 33-35, and 39-40.

**IDENTIFICATION OF PRIOR ART DISCUSSED:** *McCleary Application (US Patent Application 2002/0132219A1)*

**SUBSTANCE OF INTERVIEW:**

Applicant stated for the record that "fat maldistribution" is not obesity. It was discussed that confusion of the definition of obesity exists in the general public and there are numerous lay definitions of obesity, one of which may include the maldistribution of fat. This issue is not addressed in McCleary as no definition of obesity is given. Among researchers in the field and those skilled in the art, Stedman's Medical Dictionary is considered the reference standard for defining medical terms. Stedman's Medical Dictionary [26<sup>th</sup> edition] defines obesity as, "An abnormal increase of fat in the subcutaneous connective tissues." Note that in the context of this definition, the increased fat accumulation in obesity occurs in the subcutaneous tissue layer as opposed to only in the visceral location. This teaches away from the fat maldistribution or lipodystrophy seen in HIV-1 patients treated with HAART, as those persons lose subcutaneous fat as noted in the instant application.

Applicant agreed with the Examiner that the inclusion of the term "prevention" in the independent claims made the patient population read on anyone and not just those HIV-positive persons receiving anti-retroviral therapies and the lack of enablement for the term. On this issue of the term "prevention," Applicant indicated that those independent claims would be amended to eliminate the term "prevention."

As the previous Office Action was final, the Applicant agreed that an RCE was needed to enter the claim amendments and indicated that the RCE would be filed. The RCE would provide amendments to address the "fat maldistribution" terminology as well as removing the term "prevention."

Dated this 22 day of January, 2008.

Respectfully submitted,



John G. Babish, Ph.D.  
Cornell Technology Park  
30 Brown Road  
Ithaca, NY 14850  
Telephone: (607) 266-9492